

# THE PEOPLE VS. THE REPRESENTATIVE

BY MERWIN K. HART

*Member of the New York State Assembly*

ON Wednesday, June 5, just before the close of the prolonged legislative session, William Jennings Bryan visited the New York State Assembly and was invited to address that body. In the course of his remarks, occupying nearly an hour, he used these words:

"In the presence of a legislative body the question that seems paramount to me is the duty of the legislator—the duty of the representative. There are two theories, and these theories will be found wherever representative government exists. One is that the representative is selected by the people to think for the people. The other theory is that the representative is selected by the people to give legislative expression to their thoughts and their will. Now, these are the two theories, and much depends upon which theory the legislator accepts.

"The legislator who thinks he is chosen to think for his people may flatter his vanity, but he is apt to be indifferent to the wishes of those for whom he speaks. The one who believes that the people think for themselves and select him to give expression to their thoughts is apt to have a more modest opinion of himself but a greater respect for those for whom he acts. And I hope you will pardon me if I give adhesion to the latter theory, and express it as my firm conviction that the duty of the representative is to represent. I believe that this theory is not only Democratic in a partisan sense, but democratic in a broader sense. It is not only the theory Jefferson entertained, but it is the theory which is entertained in this country to-day by a large majority of the people, irrespective of party affiliation."

Governor Hughes, in his Jamestown address, after speaking of abuses against which democracy has to struggle, said:

"To guard against these abuses and put an end to them where they exist, the

people must be constantly alert. Faithful representation of the people is of the essence of the matter. Democracy upon a large scale would inevitably fail were not the people able to act through their chosen representatives. It is only upon simple and broad propositions of policy that the people can act directly. It is difficult to procure a complete understanding, even by those charged with its consideration, of any complicated measure.

"We have a Republic only in name, if those chosen to represent the people serve other interests. In their insistence upon single-mindedness in the public service the people will have no compromise. They demand a greater voice in the selection of candidates for office. They insist that those whom they choose shall recognize their representative responsibility. We have had too many men posing as the people's choice, who were simply the representatives of particular business interests or the appointees of a particular leader, put in office to do his bidding."

Here are two statements on the same subject from men of widely different ideas. The former is that of a man known chiefly by what he has said he would do if the people were to place him in office; known hardly at all by anything that he has actually done. The latter is that of one whose reputation as a constructive statesman is nearly as well known in the remote parts of the country as in his own Eastern State. Mr. Hughes pithily says: "Faithful representation of the people is of the essence of the matter."

What is "faithful representation"? Mr. Bryan's wholly theoretical declarations are based upon the supposition that the constituents of any man elected to a legislature are constantly and carefully studying all questions that come up, and are ready, nay anxious, at all times to direct the representative how he shall vote. He tries to make us believe that

a reliable basis for not an exact opinion on each question may be obtained by the representative when he appears, hat in hand, as it were, for his instructions.

He contributes nothing substantial to the solution of our problem. In the first place, the people are indifferent, tremendously indifferent, on all except the largest and most important questions of policy. And the difficulty of overcoming this is complicated by a very common belief among these people that they have no time to be other than indifferent. Besides, there is still seen an aloofness from participation in public questions excepting to the extent of idle and unintelligent criticism—an attitude harmful to the self-satisfied holder of the opinion, and to the masses of the people. A citizen of one of the larger up-State cities of New York was asked one day last spring to write his representative in the State Legislature to support a certain bill. He was obliged first to ask the name of the representative. A newspaper editor in another city challenged his companion at luncheon recently to name twenty men in Congress. He got up to fourteen, stopped, and then in revenge bet the editor he couldn't name ten more. And the editor couldn't. It is probably a fact that in a large majority of the assembly districts in the State of New York at the present day not five per cent of the voters know, or ever noticed, how their representative voted on any bill in the last legislative session, unless the bill were a purely local measure.

An illustration of this came to my notice last July—just after the New York State Legislature had adjourned without passing a direct primary bill. Many of the newspapers favored this bill so strongly as to give the impression to the too trusting reader that if enacted the law would be a veritable panacea. One newspaper in a county which has three members published a leading editorial on the attitude of these members towards the bill. One member had voted for it, the second had voted against it, and the third had "ducked." This particular journal denounced the man who had opposed it, and, after dwelling upon his unfitness for office as shown by his

action, closed by declaring that nine-tenths of his constituents favored this bill.

I happened a few days later to meet this member. One of the most prominent men of the district joined us as we talked, and the conversation turned to the editorial. The third person—probably among the twenty most intelligent men of the district—said, after listening, that he not only had not noticed how his representative had voted, but had not heard the matter once mentioned by his neighbors.

Not only is this indifference widespread, but, even in a community where there is considerable interest in any bill or resolution, it is almost impossible, excepting on the occasional very important issue, to find out what the people really want. Newspaper agitation may mean a great deal, or it may mean merely the influence of a business interest. The old custom of circulating a petition long ago became so overdone that a petition of thousands of names may mean very little.

Last winter a bill affecting a county with several representatives was passed by the New York State Senate and came over to the lower house. The members from that county seemed anxious to reach some agreement, but two or three constituents of one of them opposed it so strongly that the House got the impression that widespread opposition had arisen at home. One or two of the members from the county in question seemed to recognize that a failure to reach an agreement would mean added expense to the county, by reason of the consequent postponement of the completion of a public improvement that was involved, and made strenuous efforts to secure harmony. The day the bill came up for final passage, one of the members who opposed it exhibited a petition addressed to the Governor and Legislature, and signed by over one hundred members of town boards. This petition declared that the people of the county were strongly opposed to this bill. At this the member who was working for the bill explained that the petition had been previously shown him, and that he had written twelve signers, frankly giving

them his views on the subject, and asking them to tell him as frankly what course they considered he should take. He had had but three replies. One had mildly objected to the bill; the second had told him to do what he thought best; the third had agreed with him heartily, and urged him to pass the bill. The evidence threw considerable light upon the value of the petition, and the bill passed.

Mr. Bryan really advocates weakness and inefficiency. His statements spell an ignorance of practical conditions that is surprising. If he sought an explanation of why legislatures have not made better laws, and an enunciation of the principle which must be followed if wiser laws are to be enacted in the future, he flew wide the mark.

Then, too, Mr. Bryan adopts that curious attitude—which some newspapers have been known to adopt—of forgetting that the representative is in all probability in sympathy, if not in close touch, with his constituency. He seems to assume that a representative is no sooner elected to office than he begins to plot how he may ignore the people's wishes. The election of a representative means, in nine cases out of ten, that there is a pretty close understanding between that man and the people. And the continuance of that good understanding, any break in which is likely to remove him from office at the next election, means that the representative is compelled to keep an ear to the ground, and has opportunities afforded no one else to gauge public opinion. So many questions come up in a single legislative session, there is such general indifference toward most of these questions, that even his ideas of how his people would have him act are, in most cases, extremely vague; though, if the issue be a large one, and public opinion pronounced, he is likely to be only too willing to waive personal opinions (if he has any) and follow what seems to him a popular dictate.

In other words, the practical working out of the relation between representative and people is like that in the case of a manager of a business and the owner. If the manager is worthy of the

place he holds, he will have free hand in the conduct of all ordinary matters, and very likely will be the strongest influence in shaping the policy of the business. The owner will refrain from satisfying any passing desire he may have to show his authority (which, undoubtedly, he may make paramount), in the knowledge that all is being well done. And that this is a wise course is plain, for the owner may then give his entire time to other affairs. The owner of such a business may be one person, for the purpose of our illustration, or there may be several persons, or perhaps a good many. The more there are, the less desirable is it that there should be needless interference from any of them, so long as the business is wisely conducted; though, of course, once a year, or at some other stated period, the stockholders will demand opportunity to pass upon the work done, and, by reappointing or dismissing the manager, register their approval or dissatisfaction. In this simple exercise of their absolute power the stockholders of the modern business corporation secure best results. And so it can be and should be in regard to public office. The analogy is closer than might at first seem. We have every reason to suppose that if the people at the polls have selected as their representative the best man that they can find to take the place, they may well trust his judgment on whatever questions come up for him to decide. Practical considerations forbid their constantly proffering advice and insisting upon its being followed. They will have opportunity at the next election to tell him whether he has done well or not.

Governor Hughes, in his Jamestown speech, showed an appreciation of the real trouble. Mr. Bryan would have the legislator give heed to advice from without, and carefully refrain from using his own brain. And as it is impossible on most questions to gauge public opinion, the legislator, in following Mr. Bryan's direction, would be very likely to be following the dictates of that private business interest or political leader that had most influence over him. Mr. Hughes well points out that he who heeds advice from such source is not a faithful representative of the people. In saying that

is only upon simple and broad considerations of policy that the people can act directly, he shows that that representative most truly represents who treats every question in the light of the greatest good to the greatest number of people. In other words, the greatest good will result when the representative brings to the solution of the problems before him the greatest care and foresight and ability that he can muster. In so doing he is recognizing his "representative responsibility."

A study of the qualities exhibited by Mr. Hughes, and the methods he has employed as Governor of New York, suggests strongly the right manner of the solution of this question of the legislator's duties. It is not a complicated matter. During the last few years it has become more and more evident that simple principles of honesty, straightforwardness, directness, and industry are as applicable in carrying on public business as private business; just as it has lately come to be recognized (a revelation to some nations) that diplomacy does not necessarily have indirection and deception as its component parts. We have often observed the curious phenomenon of the people supporting an executive whom they have clothed with almost dictatorial powers, as against a legislature considered corrupt. In these cases the people have seen the necessity for a strong executive. They have seen the chaos that results from a division of responsibility. Both executive and legislators in the above cases were selected by the same people. They were equally representative; and yet the man who molded public opinion, the strong executive who planned a vigorous and dashing campaign against an inefficient council or legislature, was the more popular. And the reason was that the people were tired of inefficiency and petty politics in that council or State legislature, and demanded action.

That was one step. And throughout the country we have become quite accustomed to it. We are beginning to understand that a strong executive is consistent with true democracy. Now we demand strong legislatures. We are Americans and practical, and we have no

fear of a strong man, either as executive or legislator, acting honestly in broad daylight, and taking us often into his confidence as he proceeds.

The people demand good law-making, and just enforcement of the laws. Such enforcement we find we can have; perhaps it has preceded good law-making because it is necessary only to elect a single official—the executive himself. The greater question to-day is the question of *making* laws. To secure the improvement in the legislative end of our Government which we have at least begun to achieve in the executive, we are obliged to elect not merely one efficient man but enough efficient men to constitute a majority in the legislature.

This is the next step. Its attainment should not be far off. We have seen the immense amount of good accomplished by a few executives. Of course this has been done in part through the assistance of the legislative body, though this fact has been overlooked by press and people, because the executive has gained the confidence of the people while the legislative body has been perchance for a long time thoroughly discredited, and its return to full confidence is with difficulty accomplished.

As the situation stands to-day, the people are demanding the same efficiency in State and city legislatures that some executives have shown. There is call for serious thought and effort by the American people who have to solve this question. Mr. Bryan's theoretical generalities are so useless, when we come to practice, as to be most safely disposed of when ignored. We turn with relief to a consideration of Mr. Hughes's record the first year of his Governorship. We see his industry, his close attention to his duties and to nothing else, his intelligent and statesmanlike handling of each and every question. We note, too, the interest displayed by people of all sections and all classes, and the approval of, or at least the respectful acquiescence in, his every action. The people did not elect him to spend all his time trying to find out how they want him to do his own work. They thought he would be a good man to do the work according to his own ideas, and do it well.